

REMARKS

On page 2 of the office action the examiner rejects claim 6 "under 35 U.S.C. § 112, second paragraph as being indefinite for failure to particularly point out and distinctly claim subject matter...". The applicant respectfully accepts the examiner's recommendation to replace "emboss forming areas" by --embossed areas--. It is respectfully submitted that claim 6 is now in condition for allowance under 35 U.S.C. § 112, second paragraph, which allowance is respectfully requested.

On page 3 of the office action, the examiner rejects claims 1-4 and 6-7 "under 35 U.S.C. § 102(b) as being anticipated by" US Patent No. 1,394,613 (Drury). The examiner notes that "Cards having embosses to one area are considered intended use which is not given patentable weight since embossed cards are not part of the invention." He further states that "Drury discloses an apparatus showing all of the limitations of the claims, which are addressed in the following paragraphs, and is fully capable of issuing cards with embosses them." The applicant points out that claim 3 of the present invention describes the attributes of the embossed card according to the present invention.

A significant function of the present invention is to apply the weight of the unissued cards in the second stack portion to a preferred area of cards being issued in the first stack portion. In the example of embossed cards, the preferred area is the unembossed area of the unissued embossed cards in the first stack portion (the embossed area is the protected area of the card which is to be protected from bearing the extra load). This is accomplished by holding cards in the second stacker at an angle that results in the weight being applied to an area along an edge of the cards in the first stacker wherein the edge is preferably parallel to the direction of the card being issued, thus avoiding

having the embossed area of the card bearing the weight of the stacked cards while it is being issued. The applicants invention provides for the card being issued in any direction except the direction taught by Drury to prevent the weight of the cards in the top stack from being applied to a protected area of the card. In Drury, the edge of the paper being issued that bears the weight of the paper stack is perpendicular to the direction of the paper movement when it is being issued. Therefore, if the paper were embossed, the weight would be applied to the embossed area as it passed under the weight during issue.

Drury teaches away from the present invention. Drury provides a support internal to the stacker for paper, the support is to relieve the weight of paper on a pointed blade intended to prevent feeding of more than one sheet of paper. Drury's intended use is flexible paper, thus, there is no need to limit the weight of paper to any non embossed edge of a stiff card. Drury's issuing mechanism depends on having the support mechanism at the trailing end of the card being issued since the pointed blade must contact the next sheet not being issued (as soon as possible) to keep it from frictionally being issued prematurely. If stiff embossed cards were issued using Drury, the embossed area would necessarily pass under the weight of the cards stacked above since the weight would be concentrated at the issuing end of the apparatus.

The applicant has amended independent claim 1 to clearly specify the element of applying the weight of the stacked cards to a preferred area of the card to be issued such that the protected area never travels under the area of applied weight. It is respectfully submitted that amended claim 1 is now in condition for allowance under 35 U.S.C. § 102(b), which allowance is respectfully requested.

The applicant has amended claim 3 to depend on amended claim 1 and further amended claim 3 clearly claim an apparatus for issuing embossed cards.

The applicant points out that claim 2 and amended claim 3 (and claims 4 and 5 which depend on claim 2) are dependent claims on now allowable claim 1 and therefore, it is respectfully submitted that claims 2, 4, 5 and amended claim 3 are now in condition for allowance under 35 U.S.C. § 102(b), which allowance is respectfully requested.

As the applicant has previously explained, Drury does not contemplate issuing cards, a protected area of a card or an embossed card and the design of Drury would not "control the load applied to the embossed area of an embossed card" which is an essential element of independent claim 6. As previously explained, the design of Drury would cause the weight of stacked paper to be applied to any embossing of the paper being issued. The present invention controls the load on the embossed area by limiting the number of cards in the lower stack and directing the load of the cards in the upper stack to a protected area of the card and ejects the card in a direction such that the upper stack load is not applied to the embossed area of the card being ejected. The applicant has amended claim 6 to more clearly show this distinction. Therefore, amended claim 6 is in condition for allowance under 35 U.S.C. § 102(b). Claim 7 is in condition for allowance under 35 U.S.C. § 102(b), since it depends on now allowable amended claim 6. Allowance for amended claims 6 and 7 under 35 U.S.C. § 102(b) is respectfully requested.

On page 3-4, the examiner rejects claim 5 under 35 U.S.C. § 103(a) "as being unpatentable over Drury in view of Gross.

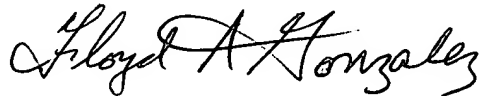
Regarding claim 5, Drury discloses an apparatus showing all of the limitations of the claims,..." The applicant points out that

claim 5 is a dependent claim, dependent on now allowable amended claim 1 which has previously been shown to be patentably distinct from Drury. It is respectfully submitted that claim 5 is now in condition for allowance under 35 U.S.C. § 103(a), which allowance
5 is respectfully requested.

It is respectfully submitted that the present application is now in condition for allowance, which allowance is respectfully requested.

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RESPECTFULLY SUBMITTED



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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO THE CLAIMS

1 1. (amended) A card issuer, which sequentially issues stacked
2 cards having a first card portion and a second card portion,
3 comprising:

4 a first stack portion in which the number of stacked cards
5 to be issued is regulated at a predetermined value or less;

6 a second stack portion which stacks cards for replacing
7 picked-out cards therewith to the first stack portion in the
8 case where the cards stacked in the first stack portion are
9 picked out;

10 a card support internal to the second stack portion, the
11 card support for positioning cards so that a weight of cards
12 stacked in the second stack portion is applied to a first card
13 portion of the cards in the first stack portion; and

14 pick-out means for picking out a card stacked in the first
15 stack portion in a direction such that the weight of cards
16 stacked in the second stack portion is applied only to the first
17 card portion of the cards in the first stack portion.

1 3. (amended) The card issuer according to claim 2 1, wherein the
2 card issuer is an apparatus, which stacks and issues cards having
3 embosses formed thereon on the second card portion, ~~and a weight~~
4 ~~of cards stacked in the second stack portion is applied to an~~
5 ~~area where the embosses of the cards are not formed, which are~~
6 ~~stacked in the first stack portion .~~

1 5. (amended) The card issuer according to claim 2, wherein a
2 weighted object for applying a predetermined load in a card stack
3 direction is provided.

1 6. (amended) A card processor comprising:
2 a card stacker for stacking cards having embossed ~~forming~~
3 areas in a vertical direction;
4 control means for controlling a load applied to the embossed
5 ~~forming~~ area of ~~the~~ a card located at the lowermost portion
6 within a predetermined range while the card is in the card
7 stacker; and
8 pick-out means for picking out the card located at the
9 lowermost portion among ~~the~~ cards stacked in the card stacker.